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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

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EXECUTIVE DIRECTOR

PERMIT

DEVELOPMENT PERMIT DP 4977

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Nicholas Staley, for Development Permit DP 4977, finds the following facts:

1. Applicant: Nicholas Staley
46 Cathedral Road
Lancaster, NH 03584
2. Date of Completed Application: May 18, 2015
3. Location of Proposal: Lincoln Plantation., Oxford County
No Map or Lot Plan Available
4. Zoning: (M-GN) General Management Subdistrict
(P-SL2) Shoreland Protection Subdistrict
(D-GN3) Rural Settlement Development Subdistrict
5. Lot Size: 501.79 Acres
6. Development: Existing 26 foot by 38 foot Pre-Commission Single Family Dwelling

Background

7. Nicholas and Melanie Staley acquired the property on June 6, 2012. At that time, the lot was developed with a 30 foot by 36 foot pre-Commission single family dwelling and 165 foot by 20 foot driveway. The portion of the property where the pre-Commission single family dwelling is located is zoned as D-GN3 (Rural Settlement Development Subdistrict). An existing well serves the property. Additionally, the lot has approximately 1 mile of road frontage on State Route 16.
8. The applicant was issued Building Permit BP 14795 in June of 2012 for a 32 foot by 22 foot deck and an 8 foot by 10 foot enclosed front porch for the existing pre-Commission single family dwelling.
9. In November of 2012, a minor change request was issued to change the enclosed deck from 8 foot by 10 foot to 6 foot by 14 foot.
10. The applicant now seeks approval to construct a whole-sale commercial maple syrup production facility.

Proposal:

11. The applicant proposes to construct a 40 foot by 100 foot commercial maple syrup production facility on a full foundation, with a 10 foot by 24 foot office addition and an 8 foot by 16 foot pump room addition, on the property within the M-GN General Management Subdistrict. The facility will have a one bedroom livein apartment unit on the second floor for staff occupancy. No retail sales will occur on said property as all final product will be sold in bulk to offsite vendors. A combined sewage disposal system would be installed to serve the facility. The facility would utilize the existing well currently serving the residence. The proposed processing building and parking area would be set back 160 feet from the road, 250 feet from a stream draining less than 50 square miles, and 1,000 feet from the nearest property line. The applicant also proposes to install four 330 gallon fuel tanks located inside of the structure. This is the maximum allowed by the Maine Fuel Board.

Review Criteria:

12. Under provisions of Section 10.22,A,3,c,(8) of the Commission's Land Use Districts and Standards, maple sugar processing operations may be allowed within a (M-GN) General Management Subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III.
13. Pursuant to the Dimensional Requirements of Section 10.26 of the Commission's Land Use Districts and Standards for commercial, industrial, and other non-residential uses involving one or more buildings, the minimum lot size is 40,000 square feet; the minimum road frontage is 200 feet; the minimum setbacks are 75 feet from the traveled portion of all roadways, 100 feet from the shoreline of a flowing water draining less than 50 square miles, and 25 feet from the side and rear property lines; and the maximum building height is 100 feet.

Review Comments

14. The Maine Department of Inland Fisheries and Wildlife has reviewed the proposal and has found no fish and wildlife issues for the proposed project.
15. The Maine State Soil Scientist has reviewed the proposal and proposes that temporary erosion control measures be installed before any soil is disturbed, and that the erosion control devices should be left in place until permanent stabilization of the soil is established.
16. The Maine Natural Areas Program has reviewed the proposal and its Biological and Conservation Data System and states that, according to its current information, there are no rare botanical features that will be disturbed within the project site.
17. The Maine Department of Transportation has issued driveway permit #15760 for this project.
18. The Maine Fuel Board has reviewed the fuel storage options and suggests the project utilize two 275 gallon or 330 gallon fuel tanks if the tanks will be stored outside. A maximum of four 330 gallon fuel tanks is allowed if stored inside.
19. The facts are otherwise as represented in Development Permit Application DP 4977 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed maple sugar processing facility would be in compliance with Section 10.22,A,3,c,(8) of the Commission's Land Use Districts and Standards.
2. The proposed maple sugar processing facility would be in compliance with Section 10.26 of the Commission's Land Use Districts and Standards in that the facility would be located on a lot greater than 40,000 square feet with a minimum road frontage exceeding 200 feet, and the setback of the facility would be greater than 75 feet from the road, greater than 100 feet from a stream draining less than 50 square miles, and more than 25 feet from the nearest property line.
3. If carried out in compliance with the Conditions below, the proposal would meet the Criteria for Approval §685-B(4) of the Commission's Statutes, 12 M.R.S.A., and Sub Chapter III of the Commission's Land Use Districts and Standards.

Therefore, the Commission approves the application of Nicholas Staley for a maple sugar processing facility, with the following Conditions:


1. The Standard Conditions of Approval For All Development Permits (ver. 04/04)
2. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
3. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
4. The driveway must be located and constructed so that (a) it will not erode or create any undue restriction or disruption of existing surface water drainage ways and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.
5. Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage.
6. To protect the water quality of the unnamed stream, the development, or reasonably foreseeable consequences of the development, shall not directly discharge any water pollutants to the stream which cause the surface water body to fail to meet its state classification (38 M.R.S.A. §464 et seq.); which impart toxicity and cause the stream to be unsuitable for its existing and designated uses; or which otherwise result in a violation of state or federal water quality laws.
7. Activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
8. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and

activities on the original parcel from which the lot was first divided, may limit or prohibit a division of the lot in the future. The permittee is hereby advised to consult applicable land use laws and rules and with the Commission prior to any future division of the lot.

9. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during development of the site and construction of the structures and activities approved by this permit.
10. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
11. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
12. All authorized structures and parking areas must be set back a minimum of 75 feet from State Route 16, 25 feet from other property boundary lines and 100 feet from streams.
13. The permittee shall secure and comply with all other applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, the Maine Department of Health and Human Services, the State of Maine Fire Marshall, and the Local Plumbing Inspector. Copies of these approvals must be forwarded to the appropriate Commission Field Office.
14. Once construction is complete, the permittees shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
15. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT WEST FARMINGTON, MAINE, THIS 19th DAY OF MAY, 2015.

By: 
for Nicholas Livesay, Director